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**MASSHEALTH
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Rev. 06/01/04519.001: Introduction

(A) Categorical Requirements and Financial Standards. 130 CMR 519.000 explains the categorical requirements and financial standards that must be met to qualify for a MassHealth coverage type. The rules of financial responsibility and the calculation of financial eligibility are detailed in 130 CMR 520.000.

(B) MassHealth Coverage Types. The MassHealth coverage types available to individuals aged 65 and older, institutionalized individuals, and those who would be institutionalized without community-based services are the following:

- (1) MassHealth Standard;
- (2) MassHealth Limited;
- (3) MassHealth Senior Buy-In;
- (4) MassHealth Buy-In;
- (5) MassHealth CommonHealth; and
- (6) MassHealth Essential.

(C) Determining Eligibility. MassHealth determines eligibility for the most comprehensive coverage available to the applicant, although the applicant has the right to choose to have eligibility determined only for Senior Buy-In or Buy-In coverage. If no choice is made by the applicant, MassHealth determines eligibility for all available coverage types.

519.002: MassHealth Standard

(A) Overview.

- (1) 130 CMR 519.002 through 519.007 contain the categorical requirements and asset and income standards for MassHealth Standard, which provides coverage for individuals aged 65 and older, institutionalized individuals, and those who would be institutionalized without community-based services.
- (2) Individuals eligible for MassHealth Standard are eligible for medical benefits on a fee-for-service basis as defined in 130 CMR 515.001. The medical benefits are described in 130 CMR 450.105(A).
- (3) The begin date of medical coverage for MassHealth Standard is established in accordance with 130 CMR 516.005.

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(4) MassHealth pays the following costs for members eligible for MassHealth Standard who meet the requirements of 130 CMR 519.010(A)(1) and (2). Coverage generally begins on the first day of the month following the date of MassHealth's eligibility determination.

- (a) the cost of the Medicare Part B premiums;
- (b) the cost of Medicare Part A premiums for adult members of MassHealth Standard who are entitled to Medicare Part A; and
- (c) the deductibles and coinsurance under Medicare Parts A and B.

(B) Automatic Eligibility for SSI Recipients.

(1) Individuals described in 130 CMR 519.002(A)(1) who meet basic, categorical, and financial requirements under the Supplemental Security Income (SSI) program are automatically eligible to receive MassHealth Standard coverage.

(2) Eligibility for retroactive coverage must be established by MassHealth in accordance with 130 CMR 516.005.

(C) Extended Eligibility for SSI Recipients. An individual whose SSI assistance has been terminated, and who is determined to be potentially eligible for MassHealth, continues to receive MassHealth Standard coverage until a determination of ineligibility is made by MassHealth.

(D) Automatic Eligibility for EAEDC Recipients Aged 65 and Older.

(1) Individuals aged 65 and older who meet the requirements of the EAEDC program administered by DTA and who are United States citizens or qualified aliens, as described in 130 CMR 518.002, are automatically eligible for MassHealth Standard benefits.

(2) Individuals aged 65 and older who meet the requirements of the EAEDC program administered by DTA and who are aliens with special status, as described in 130 CMR 518.002(D), are automatically eligible for MassHealth Essential benefits under 130 CMR 519.013.

519.003: Pickle Amendment Cases

(A) Eligibility Requirements. Under the Pickle Amendment, former SSI recipients whose income exceeds 100 percent of the federal poverty level are eligible for MassHealth Standard provided they:

- (1) or their spouse or both are receiving RSDI benefits;
- (2) were eligible for and received SSI benefits after April 1977;

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(3) would be currently eligible for SSI, in accordance with SSI payment standards at 130 CMR 519.003(B), if the incremental amount of RSDI cost-of-living increases paid to them since the last month subsequent to April 1977, for which they were both eligible for and receiving SSI and entitled to (but not necessarily receiving) RSDI were deducted from the current amount of RSDI benefits. Cost-of-living increases referred to in 130 CMR 519.003 include increases received both by the applicant or member or by the spouse. The spouse need not be otherwise eligible for SSI; and

(4) have countable assets that are \$2,000 or less for an individual, and \$3,000 or less for a married couple.

(B) SSI Payment Standards. The RSDI amount, as described in 130 CMR 519.003(A)(3), and any other countable-income amount, as defined in 130 CMR 520.009, of the individual or couple is compared to the SSI payment standards to determine Pickle eligibility.

MASSACHUSETTS SSI PAYMENT STANDARDS					
<u>LIVING ARRANGEMENT CATEGORY</u>					
	A	B	C	E	G
	<u>Full Cost of Living Expenses</u>	<u>Shared Living Expenses</u>	<u>Household of Another</u>	<u>Licensed Rest Home</u>	<u>Assisted Living</u>
<u>Individual</u>					
Aged	\$692.82	603.26	480.36	857.00	1018.00
Disabled	678.39	594.40	463.58	857.00	1018.00
Blind	713.74	713.74	713.74	713.74	1018.00
<u>Member of a Couple</u>					
Aged	\$523.86	523.86	389.90	857.00	763.50
Disabled	513.03	513.03	379.09	857.00	763.50
Blind	713.74	713.74	713.74	713.74	763.50
NOTE: The personal-needs allowance in licensed rest homes is \$60. The personal-needs allowance in nursing facilities and chronic-disease hospitals is \$65.					

(C) Financial Standards Not Met. Individuals whose income, assets, or both exceed the standards in 130 CMR 519.003 may establish eligibility by reducing assets in accordance with 130 CMR 520.004, meeting a deductible as described in 130 CMR 520.028 et seq., or both.

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519.004: Disabled Adult Children

(A) Eligibility Requirements. Individuals who lose eligibility for Supplemental Security Income (SSI) benefits may retain eligibility for MassHealth Standard provided that they:

- (1) are at least 18 years old;
- (2) became blind or disabled before attaining the age of 22;
- (3) receive or received SSI based on their blindness or disability;
- (4) received an increase in child's insurance benefits under Section 202(d) of the Social Security Act, or became entitled to those benefits on the basis of blindness or disability, on or after July 1, 1987;
- (5) lose or lost SSI as a result of this entitlement or increase in child's insurance benefits under Section 202(d) of the Social Security Act; and
- (6) would still be eligible for SSI in the absence of such RSDI benefits or increase in benefits.

(B) Financial Standards Not Met. Individuals whose income, assets, or both exceed the standards set forth in 130 CMR 519.004(A) may establish eligibility for MassHealth Standard by reducing their assets in accordance with 130 CMR 520.004, meeting a deductible as described at 130 CMR 520.028 et seq., or both.

519.005: Community Residents Aged 65 and Older

(A) Eligibility Requirements. Except as provided in 130 CMR 519.005(C), noninstitutionalized individuals aged 65 and older may establish eligibility for MassHealth Standard coverage provided they meet the following requirements:

- (1) the countable-income amount, as defined in 130 CMR 520.009, of the individual or couple is less than or equal to 100 percent of the federal poverty level; and
- (2) the countable assets of an individual are \$2,000 or less, and those of a married couple living together are \$3,000 or less.

(B) Financial Standards Not Met. Except as provided in 130 CMR 519.005(C), individuals whose income, assets, or both exceed the standards set forth in 130 CMR 519.005(A) may establish eligibility for MassHealth Standard by reducing their assets in accordance with 130 CMR 520.004, meeting a deductible as described at 130 CMR 520.028 et seq., or both.

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Rev. 01/01/04**(C) Parents and Caretaker Relatives of Children Under Age 19.**

- (1) Eligibility Requirements. Adults who are aged 65 and older and are the parents or caretaker relatives of a child under age 19 receive MassHealth Standard if they meet the requirements of 130 CMR 505.002(B) or (D).
- (2) Other Provisions. The following provisions apply to adults described in 130 CMR 519.005(C)(1): 130 CMR 505.002(A)(2), (G), (I), and (J).
- (3) Countable Income. Eligibility for adults described in 130 CMR 519.005(C)(1) is based on the applicant's or member's family group countable earned and unearned income, and the income rules described at 130 CMR 506.002, 506.003, and 506.004.
- (4) Exemption from Asset Limits. The asset limits in 130 CMR 520.003 do not apply to applicants or members described in 130 CMR 519.005(C)(1).

519.006: Long-Term-Care Residents

(A) Eligibility Requirements. Institutionalized individuals may establish eligibility for MassHealth Standard coverage subject to the following requirements. They must:

- (1) be under age 18 or aged 65 or older; or, for individuals aged 18 to 64 inclusive, meet Title XVI disability standards or be pregnant;
- (2) be determined medically eligible for nursing-facility services by MassHealth or MassHealth's agent as a condition for payment, in accordance with 130 CMR 456.000;
- (3) contribute to the cost of care as defined at 130 CMR 520.026;
- (4) have countable assets of \$2,000 or less for an individual and, for married couples where one member of the couple is institutionalized, have assets that are less than or equal to the standards at 130 CMR 520.016(B); and
- (5) not have transferred resources for the sole purpose of obtaining MassHealth as described at 130 CMR 520.018 and 520.019.

(B) Verification of Disability or Pregnancy.

- (1) Disability is verified by:
 - (a) certification of legal blindness by the Massachusetts Commission for the Blind (MCB);
 - (b) a determination of disability by the Social Security Administration (SSA); or
 - (c) a determination of disability by MassHealth's Disability Determination Unit (DDU). Until this determination is made, the applicant's submission of a completed disability supplement will satisfy the verification requirement.

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(2) Pregnancy is verified by a written statement from a competent medical authority certifying the pregnancy.

519.007: Individuals Who Would Be Institutionalized

130 CMR 519.007 describes the eligibility requirements for MassHealth Standard coverage for individuals who would be institutionalized if they were not receiving home- and community-based services.

(A) The Kaileigh Mulligan Program. The Kaileigh Mulligan Program enables severely disabled children under the age of 18 to remain at home. The income and assets of their parents are not considered in the determination of eligibility.

(1) Eligibility Requirements. Children under the age of 18 may establish eligibility for the Kaileigh Mulligan Program by meeting the following requirements. They must:

- (a) meet Title XVI disability standards in accordance with the definition of permanent and total disability for children under the age of 18 in 130 CMR 515.001; or have been receiving SSI on August 22, 1996, and continue to meet Title XVI disability standards that were in effect before August 22, 1996;
- (b) have \$2,000 or less in countable assets;
- (c) have a countable-income amount of \$60 or less; or, if greater than \$60, meet a deductible in accordance with 130 CMR 520.028 et seq.; and

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(d) require a level of care equivalent to that provided in a hospital or nursing facility in accordance with 130 CMR 519.007(A)(3) and (4).

(2) Additional Requirements. The Division must have determined:

(a) that care provided outside an institution is appropriate; and

(b) the estimated cost paid by MassHealth would not be more than the estimated cost paid if the child were institutionalized.

(3) Level of Care That Must Be Required in a Hospital. To require the level of care provided in a hospital, the child must have a medical need for:

(a) direct administration of at least two discrete skilled-nursing services (as defined in 130 CMR 515.001) on a daily basis, each of which requires complex nursing procedures, such as administration of intravenous hyperalimentation, changing tracheotomy tubes, assessment or monitoring related to an uncontrolled seizure disorder, assessment or monitoring related to an unstable cardiopulmonary status, or other unstable medical condition;

(b) direct management of the child's medical care by a physician or under the supervision of a physician on at least a weekly basis;

(c) ongoing use of invasive medical technologies or techniques to sustain life (such as ventilation, hyperalimentation, gastrostomy tube feeding), or dialysis, or both; and

(d) at least one of the following:

(i) assistance in one or more activities of daily living (ADLs), as defined in 130 CMR 515.001, beyond what is required at an age-appropriate activity level; or

(ii) one or more skilled therapeutic services (occupational therapy, physical therapy, or speech and language therapy), provided directly by or under the supervision of a licensed therapist at least five times a week.

(4) Level of Care That Must Be Required in a Skilled-Nursing Facility. To require the level of care provided in a skilled-nursing facility, the child must be nonambulatory and meet the following requirements.

(a) A child 12 months of age or older must have global developmental skills (as defined in 130 CMR 515.001) not exceeding those of a 12-month-old child as indicated by a developmental assessment performed by the child's physician or by another certified professional. In addition, the child's developmental skills level must not be expected to improve.

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(b) A child less than 12 months of age must have global developmental skills significantly below an age-appropriate level and such skills must not be expected to progress at an age-appropriate rate as indicated by a developmental assessment performed by the child's physician or by another certified professional.

(c) Regardless of age, the child must also require all of the following:

(i) direct administration of a least two discrete skilled-nursing services on a daily basis, each of which requires complex nursing procedures as described at 130 CMR 519.007(A)(3);

(ii) direct management of the child's medical care by a physician or under the supervision of a physician on a monthly basis;

(iii) assistance in one or more ADLs beyond what is required at an age-appropriate activity level; and

(iv) any combination of skilled therapeutic services (physical therapy, occupational therapy, speech and language therapy) provided directly by or under the supervision of a licensed therapist at least five times a week.

(B) Home- and Community-Based Services Waiver.

(1) Clinical and Age Requirements. The Home- and Community-Based Services Waiver allows an applicant or member who is certified by the Division or its agents to be in need of nursing-facility services to receive certain waiver services at home provided he or she:

(a) is 60 years of age or older, and, if under age 65, is permanently and totally disabled in accordance with Title XVI standards; and

(b) would be institutionalized in a nursing facility, unless he or she receives one or more of the services administered by the Executive Office of Elder Affairs under the Home- and Community-Based Services Waiver authorized under Section 1915(c) of the Social Security Act.

(2) Eligibility Requirements. In determining eligibility for MassHealth Standard and for waiver services, the Division counts the income and assets of only the applicant or member regardless of his or her marital status. The applicant or member must:

(a) meet the requirements of 130 CMR 519.007(B)(1)(a) and (b);

(b) have a countable-income amount less than or equal to 100 percent of the federal poverty level; and

(c) have countable assets of \$2,000 or less and have not transferred resources for the sole purpose of obtaining MassHealth as described at 130 CMR 520.018 and 520.019.

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(3) Financial Standards Not Met. Individuals whose income, assets, or both exceed the standards set forth in 130 CMR 519.007(B)(2) may establish eligibility for MassHealth Standard by reducing their assets in accordance with 130 CMR 520.004, by meeting a deductible as described at 130 CMR 520.028 et seq., or by both.

(C) Program of All-Inclusive Care for the Elderly (PACE).

(1) Overview. The PACE program is a comprehensive health program that is designed to keep frail, older individuals who are certified eligible for nursing-facility services living in the community.

(a) A complete range of health-care services are provided by one designated community-based program with all medical and social services coordinated by a team of health professionals.

(b) MassHealth administers the program in Massachusetts as the Elder Service Plan (ESP).

(c) Persons enrolled in PACE have services delivered through managed care:

(i) in day-health centers;

(ii) at home; and

(iii) in specialty or inpatient settings, if needed.

(2) Eligibility Requirements. The applicant or member must meet all of the following criteria:

(a) be aged 55 or older;

(b) meet Title XVI disability standards if aged 55 through 64;

(c) be certified by MassHealth or its agents to be in need of nursing-facility services;

(d) live in a designated service area;

(e) have medical services provided in a specified community-based PACE program;

(f) have countable assets whose total value does not exceed \$2,000 or, if married and living with a spouse, does not exceed \$3,000 or, if assets exceed these standards, reduce assets in accordance with 130 CMR 520.004; and

(g) have a countable-income amount, including income of a financially responsible spouse, equal to or less than 100 percent of the federal poverty level; or establish eligibility by meeting a deductible as described in 130 CMR 520.028 et seq. if the income exceeds the 100 percent federal-poverty-level income standards.

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519.009: MassHealth Limited

(A) Eligibility Requirements.

(1) MassHealth Limited is available to community residents aged 65 and older meeting the financial and categorical requirements of MassHealth Standard coverage as described at 130 CMR 519.005(A) and (B) and who are nonqualified aliens described in 130 CMR 518.002(E) or are aliens with special status as described in 130 CMR 518.002(D).

(2) Persons eligible for MassHealth Limited coverage are eligible for medical benefits described at 130 CMR 450.105(G).

(3) Nonqualified aliens and aliens with special status must meet all other requirements of MassHealth Standard with the exception of furnishing or applying for a social security number.

(4) Aliens lawfully admitted for a temporary purpose such as students, visitors, and diplomats are eligible for MassHealth Limited coverage provided they meet all other eligibility requirements including residence.

(B) Coverage Date. The begin date of medical coverage is established in accordance with 130 CMR 516.005.

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Rev. 04/01/99519.010: MassHealth Senior Buy-In

(A) Eligibility Requirements. MassHealth Senior Buy-In coverage is available to Medicare beneficiaries who:

- (1) are entitled to hospital benefits under Medicare Part A;
- (2) have a countable income amount (including the income of the spouse with whom he or she lives) that is less than or equal to 100 percent of the federal poverty level;
- (3) have countable assets of \$4,000 or less for an individual, or \$6,000 or less for a married couple living together; and
- (4) meet the universal requirements of MassHealth Standard coverage.

(B) Benefits. The Division pays for Medicare Part A and Part B premiums and for deductibles and coinsurance under Medicare Parts A and B.

(C) Begin Date. The begin date for MassHealth Senior Buy-In coverage is the first day of the calendar month following the date of the Division's eligibility determination.

519.011: MassHealth Buy-In

(A) MassHealth Buy-In for Specified Low Income Medicare Beneficiaries

(1) Eligibility Requirements. MassHealth Buy-In coverage for Specified Low Income Medicare Beneficiaries is available to Medicare beneficiaries who meet the eligibility requirements of MassHealth Senior Buy-In coverage at 130 CMR 519.010 with the following exception: the countable income amount of the individual and his or her spouse must be greater than 100 percent of the federal poverty level and less than 120 percent of the federal poverty level.

(2) Benefits. The Division pays the cost of the monthly Medicare Part B premium for members who establish eligibility for MassHealth Buy-In coverage in accordance with 130 CMR 519.011(A).

(3) Begin Date. MassHealth Buy-In coverage, in accordance with 130 CMR 519.011(A), begins with the month of application and may be retroactive up to three calendar months before the month of application.

(B) MassHealth Buy-In for Qualifying Individuals

(1) Eligibility Requirements. MassHealth Buy-In coverage for Qualifying Individuals is also available to Medicare beneficiaries who:

- (a) are entitled to hospital benefits under Medicare Part A;
- (b) are not eligible for any other MassHealth coverage type;

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(c) have a countable income amount (including the income of the spouse with whom he or she lives) that is equal to or greater than 120 percent of the federal poverty level and less than 135 percent of the federal poverty level; and

(d) have countable assets of \$4,000 or less for an individual, or \$6,000 or less for a married couple living together.

(2) Benefits. MassHealth pays the entire Medicare Part B premium, in accordance with section 1933 of the Social Security Act (42 U.S.C. § 1396u-3), for members who meet the requirements of 130 CMR 519.011(B) and have a countable income amount that is less than 135 percent of the federal poverty level. Such payments are made through the state Medicare Buy-In process.

(3) Eligibility Coverage Period.

(a) MassHealth Buy-In coverage, in accordance with 130 CMR 519.011(B), begins with the month of application. Coverage may be retroactive up to three months before the month of application provided:

(i) the retroactive date does not extend into a calendar year in which the expenditure cap described at 130 CMR 519.011(B)(4) has been met;

(ii) the retroactive date is not earlier than October 1, 1998; and

(iii) the applicant was not receiving MassHealth during the retroactive period.

(b) Once determined eligible, a member who continues to meet the requirements of 130 CMR 519.011(B) is eligible for the balance of the calendar year. Such members are not adversely impacted by the provisions of 130 CMR 519.011(B)(4).

(4) Cap on Expenditures.

(a) MassHealth does not extend eligibility to individuals who meet the requirements of 130 CMR 519.011(B), if MassHealth estimates the amount of assistance provided to these members during the calendar year will exceed the state's allocation, as described in section 1933 of the Social Security Act.

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(b) MassHealth gives preference to members who were eligible for MassHealth Buy-In, as described in 130 CMR 519.011, or MassHealth Senior Buy-In, as described in 130 CMR 519.010, in December of the previous calendar year when determining an individual's eligibility for MassHealth Buy-In, as described in 130 CMR 519.011(B), in the subsequent calendar year.

519.012: MassHealth CommonHealth

(A) **Working Disabled Adults.**

- (1) **Eligibility Requirements.** MassHealth CommonHealth for working disabled adults is available to community residents aged 65 and older in the same manner as they are available to those under age 65. This means they must meet the requirements of 130 CMR 505.004(B)(2), (3), and (4).
- (2) **Other Provisions.** The following provisions apply to CommonHealth applicants and members aged 65 and older: 130 CMR 505.004(A)(2), (F) through (H), (I)(1) and (2), and (J).
- (3) **Aliens with Special Status.** MassHealth CommonHealth is not available to aliens with special status adults described in 130 CMR 518.002(D). Applicable coverage for these persons is described in 130 CMR 518.002(F)(2).

(B) **Certain Disabled Institutionalized Immigrant Children.**

- (1) **Eligibility Requirements.** MassHealth CommonHealth is available to institutionalized disabled children who meet the requirements of 130 CMR 505.004(D) and 519.006(A)(2), and who:
 - (a) have attained the immigration status described in 130 CMR 518.002(D)(2)(a), (b), or (c), and five years have not passed from the date they attained such status;
 - (b) are nonimmigrants under the Immigration and Nationality Act (INA); or
 - (c) are aliens paroled into the United States under section 212(d)(5) of the INA for less than one year.
- (2) **Other Provisions.** The following provisions apply to CommonHealth applicants and members who are described above in 130 CMR 519.012(B)(1): 130 CMR 505.004(A)(2), (F) through (H), and (I)(1) and (2).

(C) **Financial Eligibility.** Financial eligibility for all MassHealth CommonHealth applicants and members is based on the regulations in 130 CMR 506.000. The regulations in 130 CMR 520.000 do not apply.

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519.013: MassHealth Essential

(A) Eligibility Requirements. MassHealth Essential is available to community residents aged 65 and older who are aliens with special status as described in 130 CMR 518.002(D), and who meet the following requirements:

(1) the countable-income amount, as defined in 130 CMR 520.009, of the individual or married couple living together is less than or equal to 100 percent of the federal poverty level; and

(2) the countable assets of an individual are \$2,000 or less, and those of a married couple living together are \$3,000 or less.

(B) Financial Standards Not Met. Individuals whose income, assets, or both exceed the standards set forth in 130 CMR 519.013(A) may establish eligibility for MassHealth Essential by reducing their assets in accordance with 130 CMR 520.004, meeting a deductible as described at 130 CMR 520.028 et seq., or both.

(C) Benefits. Individuals eligible for MassHealth Essential are eligible for medical benefits on a fee-for-service basis as defined in 130 CMR 515.001. These medical benefits are described in MassHealth's regulations at 130 CMR 450.105(I).

(D) Coverage Date. The begin date of medical coverage is established in accordance with 130 CMR 516.005, but no earlier than June 1, 2004. MassHealth Essential members are eligible for medical coverage under MassHealth Limited prior to June 1, 2004, if otherwise eligible for MassHealth Limited as described in 130 CMR 519.009.

(E) Funding. State legislation authorizes funding for MassHealth Essential as of June 1, 2004, but does not provide funding for MassHealth Essential after September 30, 2004. MassHealth Essential benefits will not be provided after this date unless a legislative extension is authorized. MassHealth Essential members receiving benefits under 130 CMR 519.013 on September 30, 2004, will be established as MassHealth Limited as of October 1, 2004, if otherwise eligible for MassHealth Limited.